

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIANNE NELSON,

Plaintiff,

No. CIV S-04-1103 DFL KJM PS

vs.

PLACER COUNTY, et al.,

Defendants.

ORDER

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This action was referred to the undersigned under Local Rule 72-302(c)(21). On April 28, 2006, defendants filed a motion for summary judgment. No opposition to the motion for summary judgment has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of May 31, 2006 is vacated. Hearing on defendants' motion
3 for summary judgment is continued to June 28, 2006 at 10:00 a.m. in courtroom no. 26.

4 2. Plaintiff shall file opposition, if any, to the motion for summary judgment no
5 later than June 7, 2006. Failure to file opposition and appear at the hearing will be deemed as a
6 statement of non-opposition and shall result in a recommendation that this action be dismissed
7 pursuant to Federal Rule of Civil Procedure 41(b).

8 DATED: May 18, 2006.

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11 UNITED STATES MAGISTRATE JUDGE
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